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2 **UNITED STATES DISTRICT COURT**
3 **DISTRICT OF NEVADA**

4
5 STEVE SEGAL, NICK HAMMER, ROBIN
6 HOUGDAHL, TODD TERRY, AND
7 BRADLEY CLASEN On Behalf Of Themselves
8 And All Others Similarly Situated

9
10 Case No.: 12-cv-00601 -APG-GWF

11 Plaintiff(s),

12 -against-

13 HOWARD LEDERER AND CHRISTOPHER
14 FERGUSON

15 Defendant(s).

16
17 **ORDER GRANTING**
18 **PRELIMINARY APPROVAL**

19
20 WHEREAS on April 12, 2012, a putative class action Complaint was filed in the District
21 Court of Nevada, by Plaintiffs Steve Segal, Todd Terry, Robin Hougdahl, and Nick Hammer, on
22 behalf of themselves and those similarly situated, against Defendants Howard Lederer and
23 Christopher Ferguson; and

24 WHEREAS a putative class action Amended Complaint was filed in the District Court of
25 Nevada by Plaintiffs Steve Segal, Todd Terry, Robin Hougdahl, Nick Hammer and Bradley Clasen,
26 on behalf of themselves and those similarly situated, on August 6, 2015, against Defendant Howard
27 Lederer and Christopher Ferguson; and

1 WHEREAS Plaintiffs have made a motion, pursuant to Federal Rule of Civil Procedure
2 23(e), for an order preliminarily approving the Settlement of the Action (“Motion”); and

3 WHEREAS Plaintiffs submitted a Memorandum of Law, the Agreement, and Affidavit of
4 Thomas H. Burt, with exhibits attached thereto including the Agreement; and

5 WHEREAS, as a condition of the Agreement, Plaintiffs, on behalf of themselves individually
6 and on behalf of the Settlement Class Members, have agreed to release all claims as specified in the
7 Release; and

8 WHEREAS, this Court, having read and considered the Motion, the Agreement and the
9 Exhibits attached thereto, as well as all arguments and submissions by the Parties at the noticed
10 hearing.

11 NOW, THEREFORE, IT IS HEREBY ORDERED:

12 1. This Preliminary Approval Order incorporates by reference the definitions in the
13 Agreement, and all terms used in this Preliminary Approval Order shall have the same meanings as
14 set forth in the Agreement.

15 2. The Court has jurisdiction over the subject matter of the Action, Plaintiffs, the
16 Settlement Class Members, and Defendants.

17 3. Pursuant to Federal Rule of Civil Procedure 23(e), the Court certifies, solely for
18 purposes of effectuating the Settlement, the Settlement Class as follows:

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20 **All U.S. persons and entities, exclusive of Defendants and their
21 employees or affiliates, who had monies in a Full Tilt Poker Player
22 Account on April 15, 2011, and subsequently were unable to access
the monies from their Full Tilt Poker Player Account.**

23 4. The Court preliminarily approves the Settlement and Agreement as being fair,
24 reasonable and adequate and within the range of possible approval, subject to further consideration
25 at the Final Fairness Hearing.

26 5. The Court finds that Plaintiffs fairly and adequately represent the interests of the
27 Settlement Class and therefore designates Plaintiffs as Class Representatives of the Settlement Class.

1 6. The Court designates Wolf Haldenstein Adler Freeman & Herz LLP (“Wolf
2 Haldenstein”), Finkelstein Thompson LLP (“Finkelstein Thompson”), Gustafson Gluek PLLC
3 (“Gustafson Gluek”); and Wolf Popper LLP (“Wolf Popper” and collectively, with Wolf
4 Haldenstein, Finkelstein Thompson and Gustafson Gluek, “Class Counsel”) as Class Counsel and
5 Shook & Stone Chtd. as Liaison Counsel. The Court finds that, based on the work that Class
6 Counsel has done in identifying, investigating and prosecuting the claims in this Action, Class
7 Counsel’s experience in handling class actions and the types of claims asserted in this Action, Class
8 Counsel’s knowledge of the applicable law and the resources counsel have and will commit to
9 representing the class, Class Counsel has represented and will fairly and adequately represent the
10 interests of the Settlement Class. The Court authorizes Plaintiffs and Class Counsel to enter into the
11 Agreement on behalf of the Settlement Class, and to bind them all to the duties and obligations
12 contained therein. Plaintiffs and Class Counsel, on behalf of the Settlement Class, are authorized to
13 take all appropriate action required or permitted to be taken by the Settlement Class pursuant to the
14 Agreement to effectuate its terms.

15 7. The Court preliminarily finds, solely for purposes of the Settlement, that this Action
16 may be maintained as class actions on behalf of the Settlement Class because: (a) the Settlement
17 Class is so numerous that joinder of all Settlement Class Members in the Action is impracticable; (b)
18 there are questions of law and fact common to Settlement Class Members that predominate over any
19 individual questions; (c) Plaintiffs’ claims are typical of the claims of the Settlement Class; and (d)
20 Plaintiffs and Class Counsel have fairly and adequately represented and protected the interests of the
21 Settlement Class.

22 8. The Final Fairness Hearing shall take place before the Honorable Andrew P. Gordon,
23 on **January 5, 2016 at 9:30 a.m.**, at the Lloyd D. George United States Courthouse, 333 Las Vegas
24 Blvd., South, Las Vegas, NV, in Courtroom **6C**, to determine: (i) whether the proposed Settlement
25 of the Action on the terms and conditions provided for in the Agreement is fair, adequate and
26 reasonable as to the Settlement Class Members and should be approved; (ii) whether the Judgment,

1 as provided in the Agreement, should be entered; and (iii) the amount of fees, costs and service
2 awards that should be awarded as provided for in the Agreement.

3 9. The Court will certify this Class pursuant to Fed. R. Civ. P. 23(b)(2) and 23(e). As
4 the terms of the Settlement call for injunctive relief and are subject to the Class Action Fairness Act
5 – and the notice requirements of the Class Action Fairness Act have been satisfied –this Court will
6 not require additional notice to the Class.

7 10. All proceedings in the Action are stayed pending final approval of this Settlement,
8 except as may be necessary to implement the Settlement or comply with the terms of the Agreement.

9 11. Pending final determination of whether the Settlement should be finally approved,
10 Plaintiffs, all Settlement Class Members, and any person or entity allegedly acting on behalf of
11 Settlement Class Members, either directly, representatively or in any other capacity, are enjoined
12 from commencing or prosecuting against Defendants, or against any of the Released Parties, any
13 action or proceeding in any court or tribunal asserting any of the Released Claims as described in the
14 Agreement. This injunction is necessary to protect and effectuate the Settlement, this Preliminary
15 Approval order, and the Court's flexibility and authority to effectuate this Settlement and enter
16 judgment when appropriate, and is ordered in aid of the Court's jurisdiction and to protect its
17 judgments.

18 12. The Court reserves the right to continue the date of the Final Fairness Hearing and
19 retains jurisdiction to consider all further applications arising out of or connected with the
20 Settlement. The Court may approve or modify the Settlement without further notice to Settlement
21 Class Members.

22 Dated: November 23, 2015.

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25 UNITED STATES DISTRICT JUDGE
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